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[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FCP/161345

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**PRELIMINARY RECITALS**

Pursuant to a petition filed October 20, 2014, under Wis. Admin. Code § DHS 10.55, to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a hearing was held on November 13, 2014, at Milwaukee, Wisconsin.

The issue for determination is whether the agency determined Petitioner's cost share correctly for October and November 2014.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703  
By: Desiree Pollard-Badji  
Milwaukee Enrollment Services  
1220 W Vliet St, Room 106  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Corinne Balter  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner is enrolled in the Family Care Program.
3. Petitioner's monthly income consists of \$1228 from social security and a pension in the amount of \$450.95.

4. Petitioner was enrolled in the Medicaid Purchase Plan (MAPP) program, but failed to pay her monthly premiums for that program in July, August, and September. Petitioner is no longer enrolled in the MAPP program.
5. Petitioner has \$150 in medical remedial expenses effective November 1, 2014.

### **DISCUSSION**

The Family Care program, which is supervised by the Department of Health Services, is designed to provide appropriate long-term care services for elderly or disabled adults. It is authorized in the Wisconsin Statutes, §46.286, and is described comprehensively in the Wisconsin Administrative Code, Chapter DHS 10.

Wis. Stat., §46.286(2)(a), provides that an FCP recipient must pay a cost share based upon income and certain expenses. Wis. Adm. Code, §DHS 10.34(3)(b) provides that cost of care is determined by taking the institutionalized person's income, then making several deductions. The first deduction is a personal needs allowance as provided under 42 C.F.R. §435.726(c). That personal needs allowance is \$901, as set out in the *MA Handbook*, App. 39.4.2. Another deduction is special housing expenses for costs above \$350 per month. *MA Handbook*, App. 28.8.3.1. A third deduction is for out-of-pocket medical/remedial expenses. *Handbook*, App. 15.7.3.

Petitioner was previously enrolled in the Medicaid Purchase Plan (MAPP) program. The MAPP program is a subprogram of the Wisconsin Medicaid Program that allows disabled adults who are working or want to work to become or remain Medicaid eligible, even if employed, since there are higher income limits. *MA Eligibility Handbook (MEH)*, §26.1. A person enrolled in the MAPP program must pay monthly premiums. *Id.*, §26.5.1. There is a restrictive re-enrollment period for anyone who fails to make payments. *Id.*, §26.5.6. The restrictive re-enrollment period lasts for six consecutive months following the closure of MAPP. *Id.*, §26.6.1.

In this case, Petitioner's cost share was previously covered by MAPP. However, Petitioner failed to pay her monthly MAPP premiums for July, August, and September. This failure to pay caused Petitioner to be placed on a MAPP restrictive re-enrollment period until January 2015.

I reviewed the calculations in this case, and find that the agency correctly calculated Petitioner's cost share for the family care program. Petitioner's cost share effective November 1, 2014 is \$627.95. Petitioner's cost share for October 2014 was \$777.95. The cost share was decreased for November because Petitioner provided proof of additional medical remedial expenses that lowered her cost share amount. I note that Petitioner began receiving a \$450.95 monthly pension, which increased her cost share amount.

### **CONCLUSIONS OF LAW**

The agency correctly calculated Petitioner's cost share amount for the Family Care Program for October and November 2014.

**THEREFORE, it is**

**ORDERED**

That the Petition is dismissed.

## REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

## APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Room 651, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 18th day of November, 2014

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\sCorinne Balter  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on November 18, 2014.

Milwaukee Enrollment Services  
Office of Family Care Expansion